

REMARKS**Amended Claims**

Claims 1, 6, 8 and 15 are amended herein.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-7 and 9-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sato (U.S. Published Application No. 2003/0033395 A1) in view of Mohammed (U.S. Published Application No. 2001/0014968 A1). Applicant respectfully traverses this rejection and submits that claims 1-7 and 9-20 are allowable for the following reasons.

Applicant respectfully maintains that Mohammed discloses a single computer having a program that automatically upgrades one or more software components if it detects that the operating system of the computer has been upgraded. Applicant therefore respectfully submits that Mohammed fails to teach or suggest an imaging device that requests a device configuration to upgrade an internal configuration of the imaging device from a second imaging device across a network upon receiving an external upgrade command across the network from an external management facility. As such, Mohammed fails to teach or suggest all elements of claims 1-20. *See*, Mohammed, Figures 1 and 2; Abstract; and Paragraphs [0001]-[0005] and [0015]-[0016].

In addition, Applicant also respectfully maintains that Sato discloses a system where a centralized management facility resides on a peripheral device on the network, such as a printer, and where all the peripheral devices on the network negotiate to select who is designated as the centralized management facility. Applicant respectfully maintains that Sato does not teach or disclose a peripheral device that requests a device configuration to upgrade an internal configuration of the peripheral device from a second peripheral device across a network upon receiving an external upgrade command given by an external management facility, but a peripheral device based central management facility that can request and set the configuration of the other peripheral devices. Applicant therefore respectfully submits that Sato also fails to teach or suggest an imaging device that requests a device configuration to upgrade an internal configuration of the imaging device from a second imaging device across a network upon receiving an external upgrade command given by an external management facility. *See*, Sato, Abstract; Figures 1-2; and Paragraphs [0029]-[0031].

Applicant therefore respectfully submits that combining the elements of Mohammed with Sato fails to teach or suggest all elements of claims 1-20, either alone or in combination.

Applicant's claim 1, as amended, recites, in part, "wherein the processing facility is adapted to request a device configuration to upgrade an internal configuration of the imaging device from a second imaging device through the network interface in response to receiving an external upgrade command through the network interface from an external management facility and a network location of the second imaging device." As detailed above, Applicant submits that Sato and Mohammed fail to teach or suggest such an imaging device that requests a device configuration from a second imaging device across a network in response to receiving an external upgrade command given by an external management facility, either alone or in combination. As such, Sato and Mohammed fail to teach or suggest all elements of independent claim 1.

Applicant's claim 6, as amended, recites, in part, "directing the second imaging devices with the external management facility of the first imaging device to update their device configuration using the device configuration of the first imaging device in a manner selected from the group consisting of: retrieving the device configuration from the first imaging device, storing the device configuration of the first imaging device in a storage location, and directing each of the second imaging devices to retrieve the device configuration of the first imaging device from the storage location; and directing each of the second imaging devices to retrieve the device configuration from the first imaging device" As detailed above, Applicant submits that Sato and Mohammed fail to teach or suggest such a computer-usable medium having computer-readable instructions stored thereon for execution by a processor to perform a method that requests a device configuration from a first imaging device by a second imaging device when directed by an external management facility across a network, either alone or in combination. As such, Sato and Mohammed fail to teach or suggest all elements of independent claim 6.

Applicant's claim 8, as amended, recites, in part, "directing each imaging device of the list of similar imaging devices with an external management facility to retrieve the device configuration from the network location, by communicating with each imaging device of the list of similar imaging devices across the network with the external management facility." As detailed above, Applicant submits that Sato and Mohammed fail to teach or suggest such a method of updating device configuration for imaging devices connected to a network that requests a device configuration an external management facility from a network location across a network, either alone or in combination. As such, Sato and Mohammed fail to teach or suggest all elements of independent claim 8.

Applicant's claim 15, as amended, recites, in part, "receiving across a network an external upgrade command from an external management facility and a network location associated with a desired device configuration for the imaging device." As detailed above, Applicant submits that Sato and Mohammed fail to teach or suggest such a method of upgrading an imaging device that requests a device configuration from a network location upon receiving an external upgrade command from an external management facility and a network location associated with a desired device configuration for the imaging device, either alone or in combination. As such, Sato and Mohammed fail to teach or suggest all elements of independent claim 15.

Applicant respectfully contends that claims 1, 6, 8 and 15 as pending have been shown to be patentably distinct from the cited reference. As claims 2-5, 7, 9-14, and 16-20 depend from and further define claims 1, 6, 8 and 15, respectively, they are also considered to be in condition for allowance. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) and allowance of claims 1-7 and 9-20.

Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sato (U.S. Published Application No. 2003/0033395 A1) in view of Mohammed (U.S. Published Application No. 2001/0014968 A1) and further in view of Wysoczynski (U.S. Published Application No. 2002/0083156 A1). Applicant respectfully traverses this rejection and submits that claim 8 is allowable for the following reasons.

Applicant continues to respectfully maintain, as stated above, that Sato and Mohammed fail to teach or suggest all elements of claim 8. In addition, Applicant respectfully maintains that Wysoczynski discloses an image restoration and reconfiguration support for crashed network devices that allows last known good software image and device configuration to be restored to the crashed network device from a server by either automatically initiating restoration from the device when the crashed network device enters a fatal mode or by physically entering the address, image and configuration at the console of the crashed network device. Applicant therefore respectfully submits that Wysoczynski also fails to teach or suggest an imaging device that requests a device configuration to upgrade an internal configuration of the imaging device from a second imaging device across a network upon receiving an external upgrade command across the network from an external management facility. *See*, Wysoczynski, Figures 1-3; Abstract; and Paragraphs [0022], [0026]-[0027], [0030]-[0033], [0037], and [0044]-[0046]. Applicant therefore respectfully submits that combining the elements of Sato and Mohammed

with Wysoczynski fails to teach or suggest all elements of independent claim 8, either alone or in combination and thus also fails to teach or suggest all elements of claims 9-14 that depend from and further define independent claim 8.

Applicant respectfully contends that claim 8 as pending has been shown to be patentably distinct from the cited references, either alone or in combination. As claims 9-14 depend from and further define claim 8 they are also considered to be in condition for allowance.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) and allowance of claim 8.


CONCLUSION

In view of the above remarks, Applicant believes that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case. Please charge any further fees deemed necessary or credit any overpayment to Deposit Account No. 08-2025.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2207.

Respectfully submitted,

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